

Back in business

Vol. 5, No. 148, November 15, 1999

During and after the first round of the presidential race analysts, as well as some of the competitors themselves, their staffs and observers referred to the "Russian scenario" that had proved to bring the desired result in 1996 and was expected to be played again in Ukraine this fall. After Yevhen Marchuk, the only pro-European and pro-reform representative of the "top five", and the "strong hand" candidate, urged his supporters to back the incumbent president, many predicted that the campaign would be enhanced with yet another "ingredient" of the Russian race. Then, General Alexander Lobed was appointed to the position of the Secretary of the Security Council of the Russian Federation in exchange for his 12 percent of the votes.

On November 10, 1999, President Leonid Kuchma appointed Yevhen Marchuk, one of his critics and ex-Prime Minister fired in 1996 for "making up his own political image, to the position of the Secretary of the National Security and Defense Council of Ukraine (NSDC). Commenting on the appointment, President Kuchma said, "life demands changes" and added that he and Marchuk didn't "differ especially" in their views, and that Marchuk was not going to "build communism in an individually taken Ukraine". According to President Kuchma, "when one stays too long in one place, he forgets about the perspective". The previous Secretary, Leonid Kuchma's colleague, ally and friend for 37 years, one of Ukraine's most influential decision-maker Volodymyr Horbulin was left to wait till a "good place" was found for him.

It is hard to underestimate the role of the National Security and Defense Council in formulation and implementation of Ukraine's home and foreign policy. Its very broad powers are not combined with explicitly stipulated responsibility for possible particular consequences of their use, since the NSDC is the "coordination and control" body. Although the agency had existed for several years, the law giving it legitimacy was adopted only in March 1998. According to the law "On National Security and Defence Council", the NSDC is "the coordination body on national security and defense issues under the president of Ukraine", established to make proposals to the president on the implementation of home and foreign policy in the fields of national security and defense, to coordinate and monitor operation of executive bodies in the fields of national security and defense in peaceful time, as well as in conditions of the martial law, the state of emergency and crisis when Ukraine's national security is at threat. Specifically, the NSDC develops definitions for this country's national security interests, conceptual approaches and ways to provide for national security in political, economic, social, military, R&D, environmental, information and other fields. The NSDC also drafts state programs, doctrines, laws, presidential decrees, and directives of the Commander-in-Chief, international treaties and other national security and defense documents. Furthermore, the NSDC is authorized to make proposals regarding a number of other key areas, including (a) improvement of the national security and defense systems, formation, re-organization and liquidation of executive bodies in these fields; (b) appropriations for national security and defense in the draft national budget; (c) logistical, financial, personnel, organizational and other aspects of national security and defense; (d) political, economic, social, military, research, technological, environmental, information and other relevant measures taken to counter potential and real threats to Ukraine's national interests. The NSDC also formulates tasks on particular issues and undertakes research in specific areas of national security and defense for governmental agencies and research institutions, and involves monitoring, inspection and oversight agencies to control over implementation of its resolutions, enforced by presidential decrees. Also, the NSDC accumulates processes, analyzes and stores confidential information to be used for identifying general trends, potential and real challenges to Ukraine's national security interests. The NSDC is the key advisory authority to the president in issues of announcing the state of war, general or partial mobilization, the martial law or the emergency situation.

As the top monitoring agency, the NSDC controls routine activities of executive bodies in the fields of national security and defense and submits conclusions and proposals to the president. It is authorized to involve officials, state-employed and private experts (though, there is no indication if and how such services are supposed to be paid for), to initiate development of national security and defense legislation, and to evaluate their implementation and results. If the martial law is announced in the country, or a crisis, aggression or armed conflict occurs, it is the NSDC that coordinates and controls performance of the country's economy actions of central and local executive authorities, and local self-governance bodies.

The NSDC chairman - the president of Ukraine - appoints NDSC members. In addition to top-ranking national security and defense officials, including the prime minister, the minister of defense, the chairman of the Security Service of Ukraine, the interior minister and the foreign minister, whose membership in the NDSC comes as part of their jobs, the president may appoint leaders of other national executive authorities as NDSC members.

The council is run by the Secretary, appointed and dismissed directly by the President and accountable only to the president. The Secretary nominates his deputies (civilians as well as military), appointed and dismissed by the President, and has his own analytical and logistical staff.

Powers of the NDSC Secretary are broad: he (1) prepares proposals for strategic and tactical planning for the NDSC; (2) drafts the president's resolutions on home and foreign policy decisions adopted by the NDSC; (3) prepares sessions of the Council, coordinates activities of its working and consultative groups and controls implementation of its resolutions; (4) when authorized by the President, represents the NDSC in the parliament, state authorities and local self-governance bodies, political parties and NGOs, the media and international organizations.

For a serious politician the opportunity was not to be missed, said Yevhen Marchuk, commenting on his own appointment. He argued the new position would enable him to implement his concept of "Ukraine's strategic development", outlined in his campaign agenda, primarily involving "decriminalization of the economy and decriminalization of power" and creation of a mechanism of public control over the authorities as a powerful tool of fighting corruption. According to Mr. Marchuk, neither of the parties to the deal made any "conditions of the nature of ultimatum", and the President also took some risk having agreed to Yevhen Marchuk's main condition - to be given the possibility to implement his new development strategy - since they had "some variance" as far as the vision of the new model was concerned.

While Yevhen Marchuk argues in his new position he would be able to do more than when he was the Prime Minister, for his powers are broader and the NSDC is the body that defines the country's strategic national interests, many doubt that he will be able to implement his agenda in full. One of Ukraine's leading political analysts Mykola Tomenko sees the appointment as situational and does not believe it may be regarded as the beginning of a major shake-up in the executive branch. Tomenko is not alone arguing that should Yevhen Marchuk press for serious powers and influence, he will not stay in the office long. Apparently, Mr. Marchuk himself is not too idealistic about this opportunity to do what he pledged as keep the office for a long time. Although he described his appointment as a new factor in the Ukrainian policy, based on a common Western practice of political compromise, it is unclear how far he is prepared to allow the compromise to go when his efforts to counter corruption affect interests of influential power brokers. He cannot but realize that a broader public control over the authorities and the free press that will "get additional impulse and additional possibilities to interfere with the most acute, most difficult problems of relations between the power-holders and the people, the power and the opposition" will challenge the status quo. His short-term agenda of introducing control over budget spending (particularly if enhanced by introduction of transparency of budget transactions) and "bringing order" to the matter of domestic and foreign debts may bring him a number of influential ill-wishers.

And, there will be another challenge for NSDC Secretary Yevhen Marchuk. No matter what he does in his new position, his actions are likely to be compared, subconsciously or deliberately, with those that might have been taken by Volodymyr Horbulin. For many years, Volodymyr Horbulin was the best and the most trusted representative of the west-bound direction of Ukraine's foreign and security policy. Once he controlled the operation of the Security Service of Ukraine, the Interior Ministry, the military intelligence and the military reform, as well as arm trade. His power was based not only on personal influence on the leader of the state, but also on exclusive information and analysis, prepared for him by a number of Ukraine's key think tanks. Yet, as both the information and the access to the President ceased being exclusive, new influential political players received the increasing share of Mr. Horbulin's influence. The appointment of the President's other long-standing supporter Leonid Derkach to the position of the head of the Security Service of Ukraine (SBU), the growing influence of the Interior Minister Yuri Kravchenko, Defense Minister Oleksandr Kuzmuk, and several politicians without high state offices but with valuable services they could offer reduced the sphere of power of Volodymyr Horbulin. The international relations were regarded as less significant at the height of the aggressive election campaign. During the campaign itself, Mr. Horbulin's strategic planning abilities were not used in full, as he did not belong to any of the presidential election campaign staffs. Apparently, he lost this set of the game to Oleksandr Volkov, MP, who made the major contribution to Leonid Kuchma's re-election and, reportedly, suggested to the President that the appointment of Yevhen Marchuk to the position of the NSDC Secretary might be useful. The idea was supported by SBU head Leonid Derkach.

Hence, many analysts believe that his successor Yevhen Marchuk, being a stranger in the NSDC, will not exercise the power as strong as that of Volodymyr Horbulin and will not influence the internal balance of power in the close decision-making circle significantly. The monopoly of the NSDC Secretary for "coordination and control" of the national security and defense issues is gone. Hence, it appears that Mr. Marchuk's playground may include sanctioned anticorruption initiatives, relations with parts of the emergent civil society and foreign affairs. Not that little, after all.

Yevhen Marchuk's appointment was supported by another strong politician seen as a possible future presidential candidate, Victor Medvedchuk, Vice Speaker and leader of the United Social Democratic party, with which Ukraine had run for parliament in 1998. Mr. Medvedchuk was the first to publicly announce the "return" of Mr. Marchuk to the party's positions. Reporting about the new appointment, the UTN Panorama, the major state owned channel's television news digest that never utters anything unless it is approved "from the above", announced that "observers tend to believe that after the election in Ukraine a new political organization may be formed, targeting the creation of independent statehood and integration into the global, political and economic system on conditions favorable for Ukraine." The statement made other observers wondering whether that new party has something to do with the growing interest in social democracy.